THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.NO.23775 OF 2006

ORDER:

This writ petition is filed seeking a mandamus declaring the stay orders dated 08.11.2006 in appeal Rc.No.K4/ATP/628/2006 on the file of the first respondent, as arbitrary and illegal.

It appears that the petitioner by an order, dated 03.11.2006, was appointed as a temporary fair price shop dealer of Ramagiri Village, Pamidi Mandal, Ananthapur District. Earlier to that, on 13.10.2006 the authorization of the permanent dealership was suspended by the second respondent and that permanent dealer filed appeal on 31.10.2006 before the first respondent along with stay petition. The same was taken up by the first respondent on 08.11.2006 and granted stay of the suspension order issued by the 2nd respondent on 13.10.2006. In the meanwhile, the petitioner through the above order, dated 03.11.2006, was appointed as temporary dealer as an alternative measure. Now the grievance of the petitioner is that the first respondent under the impugned orders without issuing a notice to him had passed orders on 08.11.2006 granting stay of the suspension order, dated 13.10.2006, of the second respondent. Therefore, the same is arbitrary and illegal.

It appears that the permanent dealer had filed appeal on 31.10.2006 along with stay petition. The stay petition could be taken up on 02.11.2006. The second respondent passed orders on 03.11.2006 appointing the petitioner as temporary dealer as a time gap arrangement. Therefore, neither the first respondent nor the 2nd respondent can be blamed for passing orders on 08.11.2006. It was only because of some time gap between these two, such an

anomaly arose. May be the petitioner was not impleaded therein and no notice was issued to him before passing the order on 8.11.2006, but nothing prevented the petitioner from approaching the first respondent and getting himself impleaded and filing counter in the stay petition seeking vacation of the order dated 08.11.2006.

In view of the above, the writ petition is dismissed giving liberty to the petitioner to approach the first respondent and file regular counter and file vacate stay petition in the appeal filed by the fourth respondent. No costs.

_____

11-12-2006

Note: Issue C.C. in
Two days
b/o kvrm